

we must support democracies when we have the chance. I urge my colleagues to reject this amendment, and support our partnership with India.

PERSONAL EXPLANATION

**HON. NEIL ABERCROMBIE**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 18, 2000*

Mr. ABERCROMBIE. Mr. Speaker, yesterday, July 18, 2000, I was granted a leave of absence for official business which I was undertaking in my district in Hawaii.

Four recorded votes were taken yesterday. Had I been present, I would have voted as follows: rollcall 401, H. Res. 534, Security at Los Alamos, "yes"; rollcall 402, H. Con. Res. 319, Latvia 10th Independence Anniversary, "yes"; rollcall 403, H. Res. 531, Condemn 1994 Bombing of Jewish Community Center in Buenos Aires, "yes"; rollcall 404, H.R. 3125, Internet Gambling Prohibition Act, "no."

PERSONAL EXPLANATION

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 18, 2000*

Mr. NEY. Mr. Speaker, on July 12, 2000, I was unavoidably detained and as a result missed Rollcall vote No. 395. If I were present, I would have voted "Aye."

MORE DOCUMENTATION OF  
EXCESSIVE RX PRICES

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 18, 2000*

Mr. STARK. Mr. Speaker, prescription drug prices are too high for the uninsured and the average retail customer who has to buy prescriptions on their own.

How much too high?

For generics at least 57 percent too high. For single source brand name drugs, about 32 percent too high, and for multi-source drugs, about 39 percent too high.

Says who?

A new Medicare survey of what hospitals actually pay for drugs compared to what the so-called Average Wholesale Price is. HCFA is issuing a new regulation on how to pay hospitals under the Hospital Outpatient Department (HOPD) prospective payment system. As part of that new regulation, they had to figure out what the beneficiaries' 20 percent co-payment should be. Instead of foolishly taking the Average Wholesale Price as a gauge of what to apply the 20 percent co-pay against, HCFA wisely sampled what the actual acquisition cost of drugs are, then developed an average formula to calculate the 20 percent the seniors and disabled would owe. Following is the discussion from the Federal Register of April 7th.

EXTENSIONS OF REMARKS

This is all more proof that the uninsured and those who are buying drugs at retail need help getting the purchasing power of large groups. The Democratic Prescription drug bill, H.R. 4770, would help seniors get the kind of discounts we know that hospitals are getting. The savings to seniors will be phenomenal!

A one-time exception to the general methodology described above pertains to current drugs and biologicals that will be eligible for transitional pass-throughs when the PPS is implemented. For this final rule, we revised many APC groups by removing, to the extent possible, many of these drugs and radio-pharmaceuticals. Therefore, the payment rates for the APC groups with which these drugs are associated exclude the costs of these drugs and the total amount paid to hospitals for the drugs will be 95 percent of the applicable AWP. In order to be able to determine a coinsurance amount for these drugs, we needed to estimate what portion of this payment would have been included as part of the APC payment amount associated with these drugs and what portion would be the pass-through amount. Using an external survey of hospitals' drug acquisition costs, we determined the APC payment amount for many of these drugs as their average acquisition cost adjusted to year 2000 dollars. Where valid cost data were not available for individual drugs, we applied the following average ratios of acquisition cost to AWP calculated from the survey to determine the fee schedule amount: .68 for drugs with one manufacturer, .61 for multi-source drugs, and .43 multi-source drugs with generic competitors. In either case, the coinsurance amounts were determined as 20 percent of these fee schedule amounts. It is important to note that these estimates do not affect the total payment to hospitals for these drugs (95 percent of AWP).

THE ATTACK ON THE U.S.S.  
"STARK" AND IMPLICATIONS  
FOR ELECTRONIC WARFARE IN  
THE NAVY

**HON. THOMAS M. REYNOLDS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 19, 2000*

Mr. REYNOLDS. Mr. Speaker, on May 17, 1987, the guided missile frigate U.S.S. *Stark* was on routine patrol in the Persian Gulf to protect neutral shipping during the Iran-Iraq war. At about 8:00 a.m., a long-range U.S. electronic warning and control aircraft picked up an F-1 Mirage, positively identified it as an Iraqi aircraft, and passed the notification on to U.S. Naval units operating in the Gulf. A little after 9:00 that morning, the aircraft was picked up as an unknown on the *Stark's* radar, at a range of about 70 miles.

Once the Mirage had closed to within less than 70 miles of the *Stark*, the ship's Tactical Operations Officer was tracking it continuously. When the aircraft closed to 13 miles, the *Stark* identified itself by radio, and requested identification from the aircraft, but received none. A second inquiry at a range of 11 miles also brought no response. At about 9:11, the operator of electronic intercept equipment aboard the *Stark* reported that it had been locked onto by the aircraft's fire control radar.

When the TAO discovered the lock-on by the Mirage's radar, he immediately started to bring the ship's Phalanx close-in weapons system up. He also requested a lock by the ship's air defense radar. However, the attack was coming in over the port bow, and the primary radar was blocked by the superstructure. At 9:12, the TAO ordered a secondary radar brought up, but before it could be activated an Exocet missile launched by the Mirage hit the ship. A second missile impacted shortly thereafter. The ship had neither taken evasive maneuvers nor brought its defensive weapons systems to bear.

The missile attacks and a large fire they ignited in the aluminum superstructure claimed the lives of 37 U.S. sailors. Only the heroic action of the crew saved the ship.

Mr. Speaker, today the only remaining sign of this tragic event is the memorial engraving mounted in the midships' passageway, which lists the names of those who perished. However, we in Congress must always remember the 37 shipmates who gave their lives that day and their sacrifice must not have been in vain.

Subsequent to the U.S. Navy's own inquiry, the Staff Report of the Committee on Armed Services concluded that although the Rules of Engagement allowed for a more aggressive defensive posture, the real world was more difficult. At the time, Iraq was considered a near-ally against Iran, and had never attacked a U.S. ship despite several opportunities.

In all probability, the incident was caused by complementary errors of interpretation and the Iraqi attack was probably inadvertent. In the era of electronic warfare, the fear that he who hesitates is almost certainly lost leads to a policy of attacking immediately almost anything the radar engages. In contrast, the *Stark* regarded the closing of the Mirage as a puzzle rather than a threat, and did not take action to unmask its defensive systems in time for them to engage.

Whether intentional or not, the end results of this attack were the same. Thirty-seven brave sailors lost their lives. This tragedy demonstrates the vital importance in Congress exercising its oversight powers to prevent any reoccurrence of this incident.

It is for precisely this reason that I requested the House Appropriations Subcommittee on Defense include report language directing the Navy to assess the tactical viability of its primary shipboard electronic warfare system, the AN/SQ-32(V). I am happy to report that the conference report to the defense appropriations bill, which passed the House today, included this important language.

This language will benefit electronic warfare in the Navy. More importantly, however, it is an important first step toward assuring that we in Congress fulfill our responsibility to guarantee the best protection possible to our sailors and aircrews who go into harms way in the defense of freedom every day of their lives.